

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SHANE K. HOPKINS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-870-SLR
)	
JOHN PUSEY, JOSEPH SMITH,)	
DAVID PIERCE, LISE MERSON,)	
JUDITH MULLEN, DREWRY FENNELL,)	
M. JANE BRADY)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COME NOW State Defendants John Pusey and Joseph Smith by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting counsel the right to depose Plaintiff Shank K. Hopkins ("Plaintiff"), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Counsel for the Defendants wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is February 02, 2007.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this motion that grants Defendants' counsel the right to depose Plaintiff.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff Shane Hopkins.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
Stacey Xarhoulakos, 4667
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
stacey.xarhoulakos@state.de.us
Attorney for State Defendants

Dated: January 3, 2007

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SHANE K. HOPKINS,)	
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Plaintiff,)	
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JUDITH MULLEN, DREWRY FENNELL,)	
M. JANE BRADY)	
)	
Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Shane K. Hopkins is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

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M. JANE BRADY

Defendants.

C.A. No. 05-870-SLR

ORDER

This _____ day of _____, 2007,

WHEREAS, Defendants having requested leave to depose Plaintiff Shane Hopkins pursuant to Fed. R. Civ. P. 30(a); and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendants' Motion for Leave to Depose Plaintiff shall be granted and Defendants shall have the right to depose Plaintiff Shane Hopkins.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2007, I electronically filed *Defendants' Motion for Leave to Depose Plaintiff* with the Clerk of Court using CM/ECF. I hereby certify that on January 3, 2007, I have mailed by United States Postal Service, the document to the following non-registered participants:

Shane Hopkins
SBI # 253918
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Stacey Xarhoulakos
Deputy Attorney General
Department of Justice
820 N. French St., 6th Floor
Wilmington, DE 19801
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